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February 1, 2010

BUREAU OF WATER PROTECTION AND LAND REUSE  
OFFICE OF THE BUREAU CHIEF

VIA FEDERAL EXPRESS

FEB 02 2010

Mr. Paul E. Stacey  
Hearing Officer  
State of Connecticut  
Department of Environmental Protection  
Bureau of Water Protection & Land Reuse  
Planning and Standards Division  
79 Elm Street  
Hartford, CT 06106-5127

Re: Proposed Stream Flow Standards and Regulations

Dear Mr. Stacey:

The Connecticut Department of Environmental (DEP) is proposing changes to the minimum stream flow standards in response to Public Act 05-142 enacted in 2005. The Act directed DEP to develop regulations that would expand the coverage of the stream flow standards to include all rivers and streams rather than just those that the DEP has stocked with fish. The statute also directed DEP to develop standards that balance the needs of humans to use water for drinking, public safety, irrigation, manufacturing and other water uses with needs of fish and wildlife that also depend on the availability of water to sustain healthy habitats.

The proposed regulations, as drafted, do not provide sufficient information to assess the overall impact that the regulations may have, and therefore one cannot make a determination if the proposed regulations are in fact "balanced" as required by the statute.

We strongly oppose the adoption of the proposed regulations until after the classification of the streams and rivers has been completed and the impacts of the proposed regulations have been determined and evaluated. Passing the regulations now would be a classic example of the cart before the horse.

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Without the classifications of the streams and rivers, we cannot determine the quantity of water from our wells that would be available for withdrawal on a daily basis during prolonged drought periods, and therefore we cannot assess whether we would have sufficient water to meet our customers demand. Also, we have recently completed a \$1,000,000 interconnection with Connecticut Water Company to provide water to our system to satisfy peak day demand. It is possible that these proposed regulations could prohibit Connecticut Water Company from providing us with any water during drought conditions thus making the interconnection useless. This would require us to search for a new source of water outside of the Pomperaug River Water Basin which, if found, could take years to develop and cost millions of dollars, all of which would have to be passed on to our rate payers. This scenario does not seem to be "balanced" as the State statute requires. It is a "scenario" because the proposed regulations do not provide sufficient information for us to determine the overall impact of implementing the proposed regulations.

In summary, we oppose adoption of the proposed regulations as currently drafted, and encourage the DEP to complete the classification of the streams and rivers and then determine and evaluate the overall impact of implementing the proposed regulations. This will then allow the DEP and all stakeholders to determine if in fact the regulations have achieved a "balanced" outcome.

If you have any questions or would like to discuss this further, please feel free to call me.

Sincerely,

HERITAGE VILLAGE WATER COMPANY



Keith J. Sorensen  
Vice President

KJS:jbt  
cc Henry Paparazzo